1952.

File No. Agri. Pests & Diseases II/52(1)

Legal Department

B BRANCH

Subject:— Notifications under the Bombay Agricultural Pests & Diseases Act, 1947.

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P/10

File No. Agri. Pests & Diseases II/52(1)

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Legal Department.

The Destructive Insects and Pests Act, 1914, as the preamble indicates, provides for prevention of introduction into Part A States or Part C States of any insect, fungus or other pests, which is or may be destructive to crops. Whereas the Bombay Agricultural Pests and Diseases Act, 1947, provides for prevention or introduction, spread or re-appearance of insect pests, plant diseases and noxious weeds injurious to crops, plants or trees in the State of Bombay. The scope of the two Acts is, therefore, mutually exclusive. The rules framed under the Bombay Act cannot, therefore, apply to the unmanufactured tobacco imported into the State as suggested by the Plant Pathalogist in his letter on p.29 ante.

2. Under section 5 of the Destructive Insects and Pests Act, 1914, the powers of the State Government are limited to making rules for the detention, inspection, disinfection or destruction of any article or class of articles in respect of which a notification has been issued under section 3 by the Central Government or any article which may have been in contact or proximity thereto and for regulating the powers and duties of the officers whom it may appoint. In this behalf the Government of India in their letter on p.1 h ante have pointed out that since a notification under section 3 has been issued, necessary rules under section 5 may be issued by the State Government. As pointed out above, rules to be made by the Government can provide for detention, inspection, disinfection or distruction of unmanufactured tobacco or any article which may have been in contact or proximity thereto and for regulating the powers and duties of officers. None of the rules forwarded by the Agriculture and Forest Department is referable to any of these matters. In fact the draft rules are practically a repetition of rule 8B(2) published in the Government of India notification on p.3 ante, The draft rules at p.37 ante are, therefore, not in order.

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Id/- 17/6
Additional Deputy Secretary to Government
U.R. to A.& F.D. No.10227, dated the 19th June 1952.